



Senate

General Assembly

File No. 627

January Session, 2011

Substitute Senate Bill No. 1181

Senate, April 26, 2011

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND
EXPEDITED ESTABLISHMENT OF PATERNITY AND SUPPORT IN
TITLE IV-D CASES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 17b-179 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (b) (1) The Commissioner of Social Services shall [, in the manner
5 provided in section 17b-81,] investigate the financial condition of the
6 parent or parents of: (A) Any child applying for or receiving assistance
7 under [the provisions of sections 17b-807 and 17b-808 and] (i) the
8 temporary family assistance [for needy families] program pursuant to
9 section 17b-112, which may be referred to as ["TANF"] "TFA" for the
10 purposes of this section, or (ii) the Medicaid program pursuant to
11 section 17b-261, (B) any child seeking IV-D child support enforcement
12 services pursuant to subdivision (1) of subsection (h) of this section,
13 and (C) any child committed to the care of the Commissioner of
14 Children and Families who is receiving payments in the foster care

15 program and for whom a referral to the Bureau of Child Support
16 Enforcement is made under section 46b-130, as amended by this act,
17 and shall determine the financial liability of such parent or parents for
18 the child.

19 (2) The Bureau of Child Support Enforcement may, upon notice to
20 the obligor and obligee, redirect payments for the support of all such
21 children to either the state of Connecticut or the present custodial
22 party, as their interests may appear, provided neither the obligor nor
23 the obligee objects in writing within ten business days from the
24 mailing date of such notice. Any such notice shall be sent by first class
25 mail to the most recent address of such obligor and obligee, as
26 recorded in the state case registry pursuant to section 46b-218, and a
27 copy of such notice shall be filed with the court or family support
28 magistrate if both the obligor and obligee fail to object to the redirected
29 payments within ten business days from the mailing date of such
30 notice. All payments shall be distributed as required by Title IV-D of
31 the Social Security Act.

32 (3) Notwithstanding subdivision (2) of this subsection or
33 subparagraph (F) of subdivision (1) of subsection (u) of section 46b-
34 231, the Bureau of Child Support Enforcement or a support
35 enforcement agency under cooperative agreement with the Bureau of
36 Child Support Enforcement shall redirect payments for the support of
37 children described in subparagraphs (A)(i) and (C) of subdivision (1)
38 of this subsection to the state of Connecticut effective on the date of the
39 assistance grant. Upon such redirection, the Bureau of Child Support
40 Enforcement or support enforcement agency shall notify the obligor
41 and obligee as described in subdivision (2) of this subsection if
42 assistance is being received by a new custodial party on behalf of such
43 child and, if an objection to redirection is received in accordance with
44 said subdivision (2), shall refund to the obligee of the support order
45 any money retained by the state during the period of redirection that is
46 due such obligee.

47 Sec. 2. Subparagraph (A) of subdivision (5) of subsection (a) of

48 section 17b-745 of the general statutes is repealed and the following is
49 substituted in lieu thereof (*Effective October 1, 2011*):

50 (5) (A) The court or family support magistrate may also make and
51 enforce orders for the payment by any person named herein of past-
52 due support for which any such person is liable in accordance with the
53 provisions of [subsection (b) of section 17b-179, or] section 17a-90,
54 17b-81, subsection (b) of section 17b-179, as amended by this act, or
55 section 17b-223, 46b-129 or 46b-130, as amended by this act, [or] and, in
56 IV-D cases, [and] order such person, provided such person is not
57 incapacitated, to participate in work activities that may include, but
58 shall not be limited to, job search, training, work experience and
59 participation in the job training and retraining program established by
60 the Labor Commissioner pursuant to section 31-3t. [The father's] A
61 parent's liability for past-due support of a child born out of wedlock
62 shall be limited to the three years next preceding the filing of a petition
63 pursuant to this section.

64 Sec. 3. Subsection (d) of section 19a-42 of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective*
66 *October 1, 2011*):

67 (d) (1) Upon receipt of (A) an acknowledgment of paternity
68 executed in accordance with the provisions of subsection (a) of section
69 46b-172 by both parents of a child born out of wedlock, or (B) a
70 certified copy of an order of a court of competent jurisdiction
71 establishing the paternity of a child born out of wedlock, the
72 commissioner shall include on or amend, as appropriate, such child's
73 birth certificate to show such paternity if paternity is not already
74 shown on such birth certificate and to change the name of the child if
75 so indicated on the acknowledgment of paternity form or within the
76 certified court order as part of the paternity action.

77 (2) If another father is listed on the birth certificate, the
78 commissioner shall not remove or replace the father's information
79 unless presented with a certified court order that meets the
80 requirements specified in section 7-50, or upon the proper filing of a

81 rescission, in accordance with the provisions of section 46b-172. The
82 commissioner shall thereafter amend such child's birth certificate to
83 remove or change the father's name and to change the name of the
84 child, as requested at the time of the filing of a rescission, in
85 accordance with the provisions of section 46b-172. Birth certificates
86 amended under this subsection shall not be marked "Amended".

87 [(3) A fee of fifty dollars shall be charged by the department for each
88 amendment to a birth certificate requested pursuant to this subsection
89 which request is not received from a hospital, a state agency or a court
90 of competent jurisdiction.]

91 Sec. 4. Section 19a-42a of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective October 1, 2011*):

93 (a) All (1) voluntary acknowledgments of paternity and rescissions
94 of such acknowledgments executed in accordance with subsection (a)
95 of section 46b-172, and (2) adjudications of paternity issued by a court
96 or family support magistrate under section 46b-171, section 46b-172a
97 or any other provision of the general statutes shall be filed in the
98 paternity registry maintained by the Department of Public Health. All
99 information in such registry shall be made available to the IV-D
100 agency, as defined in subdivision (12) of subsection (b) of section 46b-
101 231, for comparison with information in the state case registry
102 established under subsection (l) of section 17b-179. The IV-D agency
103 may disclose information in the paternity registry to an agency under
104 cooperative agreement with the IV-D agency for child support
105 enforcement purposes.

106 (b) Except for the IV-D agency, as provided in subsection (a) of this
107 section, the department shall restrict access to and issuance of certified
108 copies of acknowledgments of paternity to the following parties: (1)
109 Parents named on the acknowledgment of paternity; (2) the person
110 whose birth is acknowledged, if such person is over eighteen years of
111 age; (3) an authorized representative of the Department of Social
112 Services; (4) an attorney representing such person or a parent named
113 on the acknowledgment; or (5) agents of a state or federal agency, as

114 approved by the department.

115 Sec. 5. Section 46b-130 of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective October 1, 2011*):

117 The parents of a minor child for whom care or support of any kind
118 has been provided under the provisions of this chapter shall be liable
119 to reimburse the state for such care or support to the same extent, and
120 under the same terms and conditions, as are the parents of recipients of
121 public assistance. Upon receipt of foster care maintenance payments
122 under Title IV-E of the Social Security Act by a minor child, the right of
123 support, [present,] past, present and future, from a parent of such child
124 shall, by this section, be assigned to the Commissioner of Children and
125 Families. Referral by the commissioner shall promptly be made to the
126 Bureau of Child Support Enforcement [Unit] of the Department of
127 Social Services for pursuit of support for such minor child in
128 accordance with the provisions of section 17b-179, as amended by this
129 act. Any child who reimburses the state under the provisions of
130 subsection (l) of section 46b-129 for any care or support such child
131 received shall have a right of action to recover such payments from
132 such child's parents.

133 Sec. 6. Subparagraph (A) of subdivision (7) of subsection (a) of
134 section 46b-215 of the general statutes is repealed and the following is
135 substituted in lieu thereof (*Effective October 1, 2011*):

136 (7) (A) The court or family support magistrate may also determine,
137 order and enforce payment of any support due because of neglect or
138 refusal to furnish support for periods prior to the action. In the case of
139 a child born out of wedlock whose parents have not intermarried, [the
140 father's] a parent's liability for such support shall be limited to the
141 three years next preceding the filing of a petition or written agreement
142 to support pursuant to this section.

143 Sec. 7. Subdivision (3) of subsection (m) of section 46b-231 of the
144 general statutes is repealed and the following is substituted in lieu
145 thereof (*Effective October 1, 2011*):

146 (3) Family support magistrates shall review and approve or
147 [modify] disapprove all agreements for support in IV-D support cases
148 filed with the Family Support Magistrate Division in accordance with
149 sections 17b-179, as amended by this act, 17b-745, as amended by this
150 act, 46b-172, 46b-215, as amended by this act, and subsection (c) of
151 section 53-304.

152 Sec. 8. Subdivision (6) of subsection (m) of section 46b-231 of the
153 general statutes is repealed and the following is substituted in lieu
154 thereof (*Effective October 1, 2011*):

155 (6) Agreements for support obtained in IV-D support cases shall be
156 filed with the assistant clerk of the family support magistrate division
157 for the judicial district where the mother or the father of the child
158 resides, pursuant to subsection (b) of section 46b-172, and shall become
159 effective as an order upon filing with the clerk. Such support
160 agreements shall be reviewed by a family support magistrate who
161 shall approve or disapprove the agreement. If the support agreement
162 filed with the clerk is disapproved by a family support magistrate, the
163 reason for disapproval shall be stated in the record and such
164 disapproval shall have a retroactive effect. Upon such disapproval, the
165 clerk shall schedule a hearing for the purpose of determining
166 appropriate support amounts and shall notify all appearing parties of
167 the hearing date.

168 Sec. 9. Subsections (a) and (b) of section 52-362 of the general
169 statutes are repealed and the following is substituted in lieu thereof
170 (*Effective October 1, 2011*):

171 (a) For the purposes of this section:

172 (1) "Dependent" means a spouse, former spouse or child entitled to
173 payments under a support order, provided Support Enforcement
174 Services of the Superior Court or the state acting under an assignment
175 of a dependent's support rights or under an application for child
176 support enforcement services shall, through an officer of Support
177 Enforcement Services or the Bureau of Child Support Enforcement

178 within the Department of Social Services or an investigator of the
179 Department of Administrative Services or the Attorney General, take
180 any action which the dependent could take to enforce a support order;

181 (2) "Disposable earnings" means that part of the earnings of an
182 individual remaining after deduction from those earnings of amounts
183 required to be withheld for the payment of federal, state and local
184 income taxes, employment taxes, normal retirement contributions,
185 union dues and initiation fees, and group life and health insurance
186 premiums;

187 (3) "Earnings" means any debt accruing to an obligor by reason of
188 such obligor's personal services, including any compensation payable
189 by an employer to an employee for such personal services whether
190 denominated as wages, salary, commission, bonus or otherwise,
191 including unemployment compensation if a purchase of service
192 agreement between the Commissioner of Social Services and the Labor
193 Commissioner is in effect pursuant to subsection (e) of section 17b-179;

194 (4) "Employer" means any person, including the Labor
195 Commissioner, who owes earnings to an obligor;

196 (5) "Income" means any periodic form of payment due to an
197 individual, regardless of source, including, but not limited to,
198 disposable earnings, workers' compensation and disability benefits,
199 payments pursuant to a pension or retirement program and interest;

200 (6) "Issue" means: (A) Complete the withholding order form
201 prescribed under subsection (q) of this section and serve such form on
202 the employer or other payer of income, or (B) in the case of an income
203 withholding order served electronically in accordance with subsection
204 (h) of this section, transmit electronic data sufficient to implement the
205 withholding to an employer that has agreed to receive electronic
206 transmission of income withholding orders and notices;

207 [(6)] (7) "Obligor" means a person required to make payments under
208 a support order;

209 [(7)] (8) "Support order" means a court order, or order of a family
210 support magistrate including an agreement approved by a court or a
211 family support magistrate, that requires the payment to a dependent of
212 current support, cash medical support, a specific dollar amount of
213 child care costs or arrearage payments;

214 [(8)] (9) "Unemployment compensation" means any compensation
215 payable under chapter 567, including amounts payable by the
216 administrator of the unemployment compensation law pursuant to an
217 agreement under any federal law providing for compensation,
218 assistance or allowances with respect to unemployment.

219 (b) The Superior Court and any family support magistrate shall
220 [issue] enter an order for withholding pursuant to this section against
221 the income of an obligor to enforce a support order when the support
222 order is entered or modified or when the obligor is before the court in
223 an enforcement proceeding. The court shall order the withholding to
224 be effective immediately or may, for cause or pursuant to an
225 agreement by the parties, order a contingent withholding to be
226 effective only on accrual of a delinquency in an amount greater than or
227 equal to thirty days' obligation. Any finding that there is cause not to
228 order withholding to be effective immediately shall be based on at
229 least (1) a written determination that, and explanation by the court or
230 family support magistrate of why, implementing immediate income
231 withholding would not be in the best interests of the child, and (2)
232 proof of timely payment of previously ordered support in cases
233 involving the modification of such support. Before the court or family
234 support magistrate [issues] enters an order for withholding which is
235 effective immediately against an obligor who is before the court or a
236 family support magistrate, it shall inform the obligor of the minimum
237 amount of income which is exempt from withholding under state and
238 federal law, of such obligor's right to claim any applicable state or
239 federal exemptions with respect thereto and of such obligor's right to
240 offer any evidence as to why a withholding order effective
241 immediately should not [issue] enter. If the court or family support
242 magistrate [issues] enters an order for withholding to be effective

243 immediately against a nonappearing obligor, notice shall be served
244 subsequently upon the obligor in accordance with section 52-57 or sent
245 by certified mail, return receipt requested, to the obligor's last known
246 address, informing such obligor: (A) That a support order has been
247 [issued] entered to be enforced by an income withholding order, (B)
248 that an income withholding order has been [issued] entered effective
249 immediately as part of the support order, (C) of the minimum amount
250 of income exempt from withholding under state and federal law and of
251 such obligor's right at the hearing on the support order to claim any
252 other applicable state or federal exemptions with respect thereto, (D) of
253 such obligor's right to a hearing, upon motion to the court, to offer any
254 evidence as to why the withholding order effective immediately
255 should not continue in effect, (E) of the amount of income received by
256 such obligor which formed the basis for the support order against such
257 obligor, and (F) of such obligor's right to move to modify the support
258 order if such obligor's income has changed substantially or if the
259 support order substantially deviates from the child support guidelines
260 established pursuant to section 46b-215a.

261 Sec. 10. Subsection (h) of section 52-362 of the general statutes is
262 repealed and the following is substituted in lieu thereof (*Effective*
263 *October 1, 2011*):

264 (h) Service of any process under this section, including any notice,
265 may be made in accordance with section 52-57, or by certified mail,
266 return receipt requested. If service is made on behalf of the state, it
267 may be made by an authorized employee of Support Enforcement
268 Services, [or] by an investigator or other officer of the Bureau of Child
269 Support Enforcement within the Department of Social Services, [or] by
270 an investigator of the Department of Administrative Services or by the
271 Attorney General. Service of income withholding orders by Support
272 Enforcement Services or by an investigator or other officer of said
273 bureau upon an employer under this section may be made in
274 accordance with section 52-57, by certified mail, return receipt
275 requested, [or] by first class mail or electronically, provided the
276 employer agrees to accept service made electronically.

277 Sec. 11. Subsection (b) of section 17b-90 of the general statutes is
278 repealed and the following is substituted in lieu thereof (*Effective*
279 *October 1, 2011*):

280 (b) No person shall, except for purposes directly connected with the
281 administration of programs of the Department of Social Services and in
282 accordance with the regulations of the commissioner, solicit, disclose,
283 receive or make use of, or authorize, knowingly permit, participate in
284 or acquiesce in the use of, any list of the names of, or any information
285 concerning, persons applying for or receiving assistance from the
286 Department of Social Services or persons participating in a program
287 administered by said department, directly or indirectly derived from
288 the records, papers, files or communications of the state or its
289 subdivisions or agencies, or acquired in the course of the performance
290 of official duties. The Commissioner of Social Services shall disclose (1)
291 to any authorized representative of the Labor Commissioner such
292 information directly related to unemployment compensation,
293 administered pursuant to chapter 567 or information necessary for
294 implementation of sections 17b-688b, 17b-688c and 17b-688h and
295 section 122 of public act 97-2 of the June 18 special session, (2) to any
296 authorized representative of the Commissioner of Mental Health and
297 Addiction Services any information necessary for the implementation
298 and operation of the basic needs supplement program or for the
299 management of and payment for behavioral health services for
300 applicants for and recipients of state-administered general assistance,
301 (3) to any authorized representative of the Commissioner of
302 Administrative Services, or the Commissioner of Public Safety such
303 information as the state Commissioner of Social Services determines is
304 directly related to and necessary for the Department of Administrative
305 Services or the Department of Public Safety for purposes of performing
306 their functions of collecting social services recoveries and
307 overpayments or amounts due as support in social services cases,
308 investigating social services fraud or locating absent parents of public
309 assistance recipients, (4) to any authorized representative of the
310 Commissioner of Children and Families necessary information
311 concerning a child or the immediate family of a child receiving services

312 from the Department of Social Services, including safety net services, if
313 the Commissioner of Children and Families or the Commissioner of
314 Social Services has determined that imminent danger to such child's
315 health, safety or welfare exists to target the services of the family
316 services programs administered by the Department of Children and
317 Families, (5) to a town official or other contractor or authorized
318 representative of the Labor Commissioner such information
319 concerning an applicant for or a recipient of financial or medical
320 assistance under state-administered general assistance deemed
321 necessary by said commissioners to carry out their respective
322 responsibilities to serve such persons under the programs
323 administered by the Labor Department that are designed to serve
324 applicants for or recipients of state-administered general assistance, (6)
325 to any authorized representative of the Commissioner of Mental
326 Health and Addiction Services for the purposes of the behavioral
327 health managed care program established by section 17a-453, (7) to any
328 authorized representative of the Commissioner of Public Health to
329 carry out his or her respective responsibilities under programs that
330 regulate child day care services or youth camps, [or] (8) to a health
331 insurance provider, in IV-D support cases, as defined in subdivision
332 (13) of subsection (b) of section 46b-231, information concerning a child
333 and the custodial parent of such child that is necessary to enroll such
334 child in a health insurance plan available through such provider when
335 the noncustodial parent of such child is under court order to provide
336 health insurance coverage but is unable to provide such information,
337 provided the Commissioner of Social Services determines, after
338 providing prior notice of the disclosure to such custodial parent and an
339 opportunity for such parent to object, that such disclosure is in the best
340 interests of the child, (9) to any authorized representative of the
341 Department of Correction, in IV-D support cases, as defined in
342 subdivision (13) of subsection (b) of section 46b-231, information
343 concerning noncustodial parents that is necessary to identify inmates
344 or parolees with IV-D support cases who may benefit from
345 Department of Correction educational, training, skill building, work or
346 rehabilitation programming that will significantly increase an inmate's

347 or parolee's ability to fulfill such inmate's support obligation, (10) to
348 any authorized representative of the Judicial Branch, in IV-D support
349 cases, as defined in subdivision (13) of subsection (b) of section 46b-
350 231, information concerning noncustodial parents that is necessary to:
351 (A) Identify noncustodial parents with IV-D support cases who may
352 benefit from educational, training, skill building, work or
353 rehabilitation programming that will significantly increase such
354 parent's ability to fulfill such parent's support obligation, (B) assist in
355 the administration of the Title IV-D child support program, or (C)
356 assist in the identification of cases involving family violence, or (11) to
357 any authorized representative of the State Treasurer, in IV-D support
358 cases, as defined in subdivision (13) of subsection (b) of section 46b-
359 231, information that is necessary to identify child support obligors
360 who owe overdue child support prior to the Treasurer's payment of
361 such obligors' claim for any property unclaimed or presumed
362 abandoned under part III of chapter 32. No such representative shall
363 disclose any information obtained pursuant to this section, except as
364 specified in this section. Any applicant for assistance provided through
365 said department shall be notified that, if and when such applicant
366 receives benefits, the department will be providing law enforcement
367 officials with the address of such applicant upon the request of any
368 such official pursuant to section 17b-16a.

369 Sec. 12. Subdivision (8) of subsection (a) of section 17b-745 of the
370 general statutes is repealed and the following is substituted in lieu
371 thereof (*Effective October 1, 2011*):

372 (8) Failure of any defendant to obey an order of the court or Family
373 Support Magistrate Division made under this section may be punished
374 as contempt of court. If the summons and order is signed by a
375 commissioner of the Superior Court, upon proof of service of the
376 summons to appear in court or before a family support magistrate and
377 upon the failure of the defendant to appear at the time and place
378 named for hearing upon the petition, request may be made by the
379 petitioner to the court or family support magistrate for an order that a
380 *capias mittimus* be issued. Except as otherwise provided, upon proof

381 of the service of the summons to appear in court or before a family
382 support magistrate at the time and place named for a hearing upon the
383 failure of the defendant to obey the court order as contempt of court,
384 the court or the family support magistrate may order a capias mittimus
385 to be issued and directed to [some] a judicial marshal to the extent
386 authorized pursuant to section 18 of this act, or any other proper
387 officer to arrest such defendant and bring such defendant before the
388 Superior Court for the contempt hearing. The costs of commitment of
389 any person imprisoned [therefor] for contempt shall be paid by the
390 state as in criminal cases. When any such defendant is so found in
391 contempt, the court or family support magistrate may award to the
392 petitioner a reasonable attorney's fee and the fees of the officer serving
393 the contempt citation, such sums to be paid by the person found in
394 contempt.

395 Sec. 13. Section 46b-213w of the general statutes is repealed and the
396 following is substituted in lieu thereof (*Effective October 1, 2011*):

397 (a) An income withholding order issued in another state may be
398 sent by or on behalf of the obligee, or by the support enforcement
399 agency, to the person defined as the obligor's employer under section
400 52-362, as amended by this act, without first filing a petition or
401 comparable pleading or registering the order in the registry of support
402 orders of the Family Support Magistrate Division.

403 (b) Upon receipt of an income withholding order issued in another
404 state, the obligor's employer shall immediately provide to the obligor
405 (1) a copy of the order, and (2) a copy of the notice and claim form
406 provided by the Department of Social Services pursuant to subsection
407 (c) of this section.

408 (c) The Department of Social Services shall [distribute] make
409 available to all employers in this state a standard notice and claim
410 form, written in clear and simple language, which shall include:

411 (1) Notice that money will be withheld from the employee's wages
412 for child support and health insurance;

413 (2) Notice of the amount of disposable earnings that are exempt
414 from the income withholding order;

415 (3) Notice that the amount of the income withholding order may not
416 exceed the maximum permitted by federal law under Section 1673 of
417 Title 15 of the United States Code, together with a statement of the
418 obligor's right to claim any other applicable state or federal
419 exemptions;

420 (4) Notice of the right to object to the validity or enforcement of such
421 income withholding order in a court in this state and of the right to
422 seek modification of the underlying support order in the court of
423 continuing exclusive jurisdiction;

424 (5) Notice of the right to seek the assistance of the Bureau of Child
425 Support Enforcement of the Department of Social Services and the toll-
426 free telephone number at which the bureau can be contacted;

427 (6) A claim form which shall include (A) a list of the most common
428 defenses and exemptions to such income withholding order in a
429 manner which allows the obligor to check any of the defenses and
430 exemptions which apply; (B) a space where the obligor may briefly
431 explain the obligor's claim or defense; (C) a space where the obligor
432 may initiate a request for services to modify the support order, and the
433 address of the Bureau of Child Support Enforcement of the
434 Department of Social Services to which such request may be sent; (D) a
435 space for the obligor to provide the obligor's address and the name of
436 the town in which the obligor principally conducts the obligor's work
437 for the employer; (E) a space for the obligor to sign the obligor's name;
438 (F) the address of [the Bureau of Child Support Enforcement of the
439 Department of Social Services] Support Enforcement Services to which
440 the claim form is to be sent in order to contest the validity or
441 enforcement of the income withholding order; [or to initiate a request
442 for modification;] and (G) space for the employer to state the date
443 upon which the form was actually delivered to the obligor.

444 (d) The employer shall treat an income withholding order issued in

445 another state which appears regular on its face as if it had been issued
446 by a tribunal of this state.

447 (e) Except as otherwise provided in subsections (f), [and] (g) and (l)
448 of this section, the employer shall withhold and distribute the funds as
449 directed in the withholding order by complying with terms of the
450 order which specify: (1) The duration and amount of periodic
451 payments of current child support, stated as a sum certain; (2) the
452 person designated to receive payments and the address to which the
453 payments are to be forwarded; (3) medical support, whether in the
454 form of periodic cash payment, stated as a sum certain, or ordering the
455 obligor to provide health insurance coverage for the child under a
456 policy available through the obligor's employment, subject to the
457 provisions of subsection (e) of section 38a-497a; (4) the amount of
458 periodic payments of fees and costs for a support enforcement agency,
459 the issuing tribunal and the obligee's attorney, stated as sums certain;
460 and (5) the amount of periodic payments of arrearages and interest on
461 arrearages, stated as sums certain.

462 (f) The employer shall comply with the law of this state for
463 withholding from income with respect to: (1) The prohibition against
464 an employer's fee for processing an income withholding order; (2) the
465 maximum amount permitted to be withheld from the obligor's income;
466 and (3) the time period within which the employer must implement
467 the withholding order and forward the child support payment.

468 (g) If an employer receives two or more income withholding orders
469 with respect to the earnings of the same obligor, the employer satisfies
470 the terms of such orders if the employer complies with the law of this
471 state to establish the priorities for withholding and allocating income
472 withheld for two or more child support obligees.

473 (h) An employer who complies with an income withholding order
474 issued in another state in accordance with this section shall be immune
475 from civil liability with regard to the employer's withholding of child
476 support from the obligor's income.

477 (i) An employer who wilfully fails to comply with an income
478 withholding order issued by another state and received for
479 enforcement is subject to the same penalties that may be imposed for
480 noncompliance with an order issued by a tribunal of this state.

481 (j) An obligor may contest the validity or enforcement of an income
482 withholding order issued in another state and received directly by an
483 employer in this state by: (1) Registering the order in accordance with
484 section 46b-213h and filing a contest to that order as provided in
485 section 46b-213l notwithstanding the obligor is the registering party;
486 (2) otherwise contesting the order in the same manner as if the order
487 had been issued by a tribunal of this state; or (3) mailing to [the Bureau
488 of Child Support Enforcement of the Department of Social Services]
489 Support Enforcement Services the claim form delivered to the obligor
490 pursuant to subsection (b) of this section, signed by the obligor and
491 containing [his] the obligor's address and a copy of the income
492 withholding order. [The obligor shall also deliver a copy of such claim
493 form to the employer.]

494 (k) Upon receipt of a claim form contesting the validity or
495 enforcement of an income withholding order, [the Bureau of Child
496 Support Enforcement shall within seven days notify the employer of
497 the receipt of the claim form. The bureau] Support Enforcement
498 Services shall; [also give] (1) Give notice of the contest to [(1)] (A) the
499 support enforcement agency providing services to the obligee; [(2)] (B)
500 each employer that has directly received an income withholding order
501 relating to the obligor; [(3)] (C) the person designated to receive
502 payments in the income withholding order; and [(4)] (D) if the
503 obligee's address is known, the obligee; [. In addition, the bureau shall
504 immediately cause the income withholding order to be registered in
505 this state in accordance with section 46b-213h. The bureau shall also
506 immediately] (2) file the claim form and a copy of the income
507 withholding order on behalf of the obligor with [Support Enforcement
508 Services acting on behalf of] the Family Support Magistrate Division;
509 and (3) notify the person or agency that sent the income withholding
510 order to file not less than ten days before the scheduled hearing: (A)

511 Two copies, including one certified copy of the underlying support
512 order, including any modification of such order; and (B) a sworn
513 statement showing the amount of any arrearage together with the last
514 court determination of an arrearage and an accounting of the arrearage
515 since such determination.

516 (l) [The] Upon receipt of a claim form filed by Support Enforcement
517 Services on behalf of the obligor in accordance with subsection (k) of
518 this section, the clerk shall promptly enter the appearance of the
519 obligor, schedule a hearing, and give notice of the hearing to the
520 obligor, [the Bureau of Child Support Enforcement] Support
521 Enforcement Services, the party initiating the income withholding
522 order, and, if the obligee's address is known, the obligee. [The clerk
523 shall proceed in accordance with subsection (d) of section 52-362.] The
524 family support magistrate shall promptly hear and determine the
525 claim and enter [its] the family support magistrate's determination
526 within forty-five days from the date of the filing of the claim form. The
527 family support magistrate shall utilize the procedures set forth in
528 sections 46b-213a to 46b-213c, inclusive, to obtain additional evidence
529 and information as needed for a prompt determination on the claim. If
530 the person or agency that sent the income withholding order fails to
531 file the documents described in subdivision (3) of subsection (k) of this
532 section or fails to comply with a reasonable request for information or
533 documents made under section 46b-213b or 46b-213c, the family
534 support magistrate may: (1) Continue the hearing for a period of not
535 more than an additional forty-five days and direct Support
536 Enforcement Services to provide such notice as may be appropriate; (2)
537 order a temporary or partial stay of income withholding for a period
538 not to exceed forty-five days; or (3) sustain the obligor's objection to
539 the validity or enforcement of the income withholding order and
540 enjoin the employer from complying with such order. In addition to
541 any notice given by the clerk, upon entry of the decision of the family
542 support magistrate on the claim, [the bureau] Support Enforcement
543 Services shall give notice of the decision to each employer that has
544 directly received an income withholding order related to the obligor,
545 the party initiating the income withholding order, the obligor and, if

546 the obligee's address is known, the obligee.

547 [(l)] (m) If the claim form requests services to modify the support
548 order, the Bureau of Child Support Enforcement shall assist the obligor
549 to file a motion for modification with the appropriate tribunal of the
550 state of continuing exclusive jurisdiction in accordance with the law of
551 that jurisdiction. The receipt of the request for modification shall
552 constitute a request for Title IV-D services, but the bureau may require
553 the making of a formal application. Such assistance shall include, but is
554 not limited to, providing the obligor with information about how such
555 a motion is filed, contacting the state of continuing exclusive
556 jurisdiction on behalf of the obligor to obtain appropriate forms, and
557 transmitting such forms and applicable information to the appropriate
558 tribunal in such state.

559 [(m)] (n) Venue for contested claims under this section shall be the
560 family support magistrate division of the superior court in the judicial
561 district in which the obligor resides, provided (1) if the obligor does
562 not reside in this state, venue shall be in the judicial district in which
563 the obligor principally conducts his work for the employer who is
564 subject to the income withholding order, and (2) if there is an existing
565 action concerning support of the child or children who are the subject
566 of the income withholding order, the claim shall be filed in that action.

567 Sec. 14. Subparagraph (C) of subdivision (8) of subsection (a) of
568 section 46b-215 of the general statutes is repealed and the following is
569 substituted in lieu thereof (*Effective October 1, 2011*):

570 (C) The court, or any judge thereof, or family support magistrate
571 when said court or family support magistrate is not sitting, may
572 require the defendant or defendants to become bound, with sufficient
573 surety, to the state, town or person bringing the complaint, to abide
574 such judgment as may be rendered on such complaint. Failure of the
575 defendant or defendants to obey any order made under this section [,]
576 may be punished as contempt of court and the costs of commitment of
577 any person imprisoned [therefor] for contempt shall be paid by the
578 state as in criminal cases. Except as otherwise provided, upon proof of

579 the service of the summons to appear in court or before a family
580 support magistrate at the time and place named for a hearing upon the
581 failure of the defendant or defendants to obey such court order or
582 order of the family support magistrate, the court or family support
583 magistrate may order a capias mittimus be issued [,] and directed to
584 [some] a judicial marshal to the extent authorized pursuant to section
585 18 of this act, or any other proper officer to arrest such defendant or
586 defendants and bring such defendant or defendants before the
587 Superior Court for the contempt hearing. When any person is found in
588 contempt under this section, the court or family support magistrate
589 may award to the petitioner a reasonable attorney's fee and the fees of
590 the officer serving the contempt citation, such sums to be paid by the
591 person found in contempt.

592 Sec. 15. Subdivision (1) of subsection (m) of section 46b-231 of the
593 general statutes is repealed and the following is substituted in lieu
594 thereof (*Effective October 1, 2011*):

595 (1) A family support magistrate in IV-D support cases may compel
596 the attendance of witnesses or the obligor under a summons issued
597 pursuant to [sections] section 17b-745, as amended by this act, 46b-172,
598 as amended by this act, [and] or 46b-215, as amended by this act, a
599 subpoena issued pursuant to section 52-143, or a citation for failure to
600 obey an order of a family support magistrate or a judge of the Superior
601 Court. If a person is served with any such summons, subpoena or
602 citation issued by a family support magistrate or the assistant clerk of
603 the Family Support Magistrate Division and fails to appear, a family
604 support magistrate may issue a capias mittimus directed to a judicial
605 marshal to the extent authorized pursuant to section 18 of this act, or
606 any other proper officer to arrest the obligor or the witness and bring
607 [him] the obligor or witness before a family support magistrate.
608 Whenever such a capias mittimus is ordered, the family support
609 magistrate shall establish a recognizance to the state of Connecticut in
610 the form of a bond of such character and amount as to assure the
611 appearance of the obligor at the next regular session of the Family
612 Support Magistrate Division in the judicial district in which the matter

613 is pending. If the obligor posts such a bond, and thereafter fails to
614 appear before the family support magistrate at the time and place [he]
615 the obligor is ordered to appear, the family support magistrate may
616 order the bond forfeited, and the proceeds thereof distributed as
617 required by Title IV-D of the Social Security Act.

618 Sec. 16. Subsection (s) of section 46b-231 of the general statutes is
619 repealed and the following is substituted in lieu thereof (*Effective*
620 *October 1, 2011*):

621 (s) Support enforcement officers of Support Enforcement Services of
622 the Superior Court shall:

623 (1) Supervise the payment of any child or spousal support order
624 made by a family support magistrate. Supervision of such orders is
625 defined as the utilization of all procedures available by law to collect
626 child or spousal support, or enforce medical support including (A)
627 issuance and implementation of income withholdings ordered by the
628 Superior Court or a family support magistrate pursuant to section 52-
629 362, as amended by this act, (B) issuance of an order requiring any
630 party to appear before a family support magistrate on an action to
631 modify a support order pursuant to subdivision (4) of this subsection,
632 (C) issuance of a capias mittimus directed to a proper officer to arrest
633 an obligor or witness and bring such obligor or witness before a family
634 support magistrate if such obligor or witness is served with a
635 summons, subpoena, citation or order to appear issued by a family
636 support magistrate, the assistant clerk of the Family Support
637 Magistrate Division or a support enforcement officer and fails to
638 appear, (D) if necessary, bringing an application for contempt to a
639 family support magistrate and, in connection with such application,
640 issuing an order requiring the obligor to appear before a family
641 support magistrate to show cause why such obligor should not be held
642 in contempt for failure to pay an order for child or spousal support
643 entered by the Superior Court or a family support magistrate, [and] (E)
644 issuance of a National Medical Support Notice in accordance with
645 section 46b-88, and (F) taking of acknowledgments of parties to

646 agreements incident to the duties under subdivision (4) of this
647 subsection;

648 (2) In non-TANF cases, have the authority to bring petitions for
649 support orders pursuant to section 46b-215, as amended by this act, file
650 agreements for support with the assistant clerk of the Family Support
651 Magistrate Division, and bring applications for show cause orders
652 pursuant to section 46b-172, and in IV-D support cases and cases
653 under sections 46b-212 to 46b-213w, inclusive, as amended by this act,
654 enforce foreign support orders registered with the Family Support
655 Magistrate Division pursuant to sections 46b-213f to 46b-213i,
656 inclusive, and file agreements for support with the assistant clerk of
657 the Family Support Magistrate Division;

658 (3) In connection with any order or agreement entered by, or filed
659 with, the Family Support Magistrate Division, or any order entered by
660 the Superior Court in a IV-D support case, upon order, investigate the
661 financial situation of the parties and report findings to the family
662 support magistrate regarding: (A) Any pending motion to modify such
663 order or agreement; or (B) any request or application for modification
664 of such order or agreement made by an obligee;

665 (4) Review child support orders (A) in non-TANF IV-D support
666 cases (i) at the request of either parent or custodial party subject to a
667 support order, or (ii) upon receipt of information indicating a
668 substantial change in circumstances of any party to the support order,
669 (B) in TANF cases, at the request of the Bureau of Child Support
670 Enforcement, or (C) as necessary to comply with federal requirements
671 for the child support enforcement program mandated by Title IV-D of
672 the Social Security Act, and initiate an action before a family support
673 magistrate to modify such support order if it is determined upon such
674 review that the order substantially deviates from the child support
675 guidelines established pursuant to section 46b-215a or 46b-215b. A
676 requesting party under subparagraph (A)(i) or (B) of this subdivision
677 shall have a right to such review every three years without proving a
678 substantial change in circumstances, but more frequent reviews shall

679 be made only if such requesting party demonstrates a substantial
680 change in circumstances. There shall be a rebuttable presumption that
681 any deviation of less than fifteen per cent from the child support
682 guidelines is not substantial and any deviation of fifteen per cent or
683 more from the guidelines is substantial. Modification may be made of
684 such support order without regard to whether the order was issued
685 before, on or after May 9, 1991. In determining whether to modify a
686 child support order based on a substantial deviation from such child
687 support guidelines, consideration shall be given to the division of real
688 and personal property between the parties set forth in any final decree
689 entered pursuant to chapter 815j and the benefits accruing to the child
690 as the result of such division. No order for periodic payment of
691 support may be subject to retroactive modification, except that the
692 family support magistrate may order modification with respect to any
693 period during which there is a pending motion for modification of a
694 support order from the date of service of notice of such pending
695 motion to the opposing party pursuant to section 52-50.

696 Sec. 17. Subsections (d) and (e) of section 52-362d of the general
697 statutes are repealed and the following is substituted in lieu thereof
698 (*Effective October 1, 2011*):

699 (d) Whenever an order of the Superior Court or a family support
700 magistrate of this state, or an order of another state that has been
701 registered in this state, for support of a minor child or children is
702 issued and such payments have been ordered through the IV-D
703 agency, and the obligor against whom such support order was issued
704 owes overdue support under such order in the amount of five hundred
705 dollars or more, the IV-D agency, as defined in subdivision (12) of
706 subsection (b) of section 46b-231, or Support Enforcement Services of
707 the Superior Court may notify (1) any state or local agency or officer
708 with authority (A) to hold assets or property for such obligor
709 including, but not limited to, any property unclaimed or presumed
710 abandoned under part III of chapter 32, or (B) to distribute benefits to
711 such obligor including, but not limited to, unemployment
712 compensation and workers' compensation, (2) any person having or

713 expecting to have custody or control of or authority to distribute any
714 amounts due such obligor under any judgment or settlement, (3) any
715 financial institution holding assets of such obligor, and (4) any public
716 or private entity administering a public or private retirement fund in
717 which such obligor has an interest that such obligor owes overdue
718 support in a IV-D support case. Upon receipt of such notice, such
719 agency, officer, person, institution or entity shall withhold delivery or
720 distribution of any such property, benefits, amounts, assets or funds
721 until receipt of further notice from the IV-D agency.

722 (e) In IV-D cases in which a notice is sent pursuant to subsection (d)
723 of this section, the IV-D agency shall notify the obligor that such
724 property, benefits, amounts, assets or funds have been withheld as a
725 result of overdue support in a IV-D support case in accordance with an
726 order of the Superior Court or family support magistrate of this state,
727 or an order of another state that has been registered in this state. The
728 IV-D agency shall further notify the agency, officer, person, institution
729 or entity to whom notice was sent pursuant to subsection (d) of this
730 section as follows: (1) Upon expiration of the time for requesting a
731 hearing specified in section 17b-60, to make payment to the state from
732 any such property, benefits, amounts, assets or funds withheld in
733 accordance with subsection (d) of this section provided, in the case of
734 retirement funds, such payment shall only be made in accordance with
735 a withholding order issued under section 52-362, as amended by this
736 act, when the obligor is entitled to receive retirement benefits from
737 such fund; (2) upon payment of such overdue support by such obligor,
738 to release or distribute, as appropriate, such property, benefits,
739 amounts, assets or funds to such obligor; or (3) upon issuance of a
740 decision by the hearing officer or the court upon appeal of such
741 officer's decision, to take such other action as may be ordered by such
742 officer or such court, and such agency, officer, person, institution or
743 entity shall forthwith comply with such notice received from the IV-D
744 agency.

745 Sec. 18. (NEW) (*Effective October 1, 2011*) Any judicial marshal may
746 serve a capias mittimus on any person who is in the custody of the

747 marshal or is in a courthouse where the marshal provides courthouse
 748 security if such *capias mittimus* was issued in a child support matter
 749 by (1) a court or a family support magistrate pursuant to subdivision
 750 (8) of subsection (a) of section 17b-745 of the general statutes, as
 751 amended by this act, or subparagraph (C) of subdivision (8) of
 752 subsection (a) of section 46b-215 of the general statutes, as amended by
 753 this act; or (2) a family support magistrate pursuant to subdivision (1)
 754 of subsection (m) of section 46b-231 of the general statutes, as amended
 755 by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	17b-179(b)
Sec. 2	<i>October 1, 2011</i>	17b-745(a)(5)(A)
Sec. 3	<i>October 1, 2011</i>	19a-42(d)
Sec. 4	<i>October 1, 2011</i>	19a-42a
Sec. 5	<i>October 1, 2011</i>	46b-130
Sec. 6	<i>October 1, 2011</i>	46b-215(a)(7)(A)
Sec. 7	<i>October 1, 2011</i>	46b-231(m)(3)
Sec. 8	<i>October 1, 2011</i>	46b-231(m)(6)
Sec. 9	<i>October 1, 2011</i>	52-362(a) and (b)
Sec. 10	<i>October 1, 2011</i>	52-362(h)
Sec. 11	<i>October 1, 2011</i>	17b-90(b)
Sec. 12	<i>October 1, 2011</i>	17b-745(a)(8)
Sec. 13	<i>October 1, 2011</i>	46b-213w
Sec. 14	<i>October 1, 2011</i>	46b-215(a)(8)(C)
Sec. 15	<i>October 1, 2011</i>	46b-231(m)(1)
Sec. 16	<i>October 1, 2011</i>	46b-231(s)
Sec. 17	<i>October 1, 2011</i>	52-362d(d) and (e)
Sec. 18	<i>October 1, 2011</i>	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Department of Social Services	GF - Savings	Potential	Potential
Judicial Department	GF - Savings	10,000	10,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to improve the establishment, modification and enforcement of child support orders. These changes may lead to savings to the Medicaid and Temporary Family Assistance programs under the Department of Social Services, as these support orders may subsidize or supplant state funded benefits for children eligible for these programs.

Sections 9 and 10 of the bill provide for the electronic service of process for income withholding orders on employers, which will result in an estimated annual postage savings of \$10,000 to the Judicial Department. Currently Judicial uses first-class mail to serve income withholding orders.¹

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$	FY 16 \$
Judicial Dept.	GF - Savings*	10,200	10,404	10,612

Note: GF=General Fund

*These figures have been adjusted for inflation at a rate of 2%

Municipal Impact: None

¹ In 2010, the Judicial Department's Support Enforcement - Central Processing Division spent \$107,000 in regular postage.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1181*****AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND EXPEDITED ESTABLISHMENT OF PATERNITY AND SUPPORT IN TITLE IV-D CASES.*****SUMMARY:**

This bill makes numerous changes to statutes governing the Department of Social Services (DSS) and the Support Enforcement Services Division (SES) of the Judicial Branch. Most are related to child support and support enforcement. It:

1. requires the DSS commissioner to investigate the financial circumstances of parents applying for or receiving Medicaid on behalf of their children, rather than only Temporary Family Assistance (cash welfare) and foster care applicants and recipients;
2. limits DSS' duty to investigate the finances of parents of children in foster care to those for whom a request was made;
3. eliminates the DSS' commissioner's duty to investigate the financial arrangements of those seeking or receiving emergency housing assistance;
4. requires the state to notify obligors (those owing child support) and obligees (those to whom child support is owed) when it redirects child support payments;
5. allows DSS to share information with other state agencies for specific purposes;
6. permits income withholding orders to be served on employers electronically if they agree to accept that form of service;

7. modifies the process for obligors to challenge wage withholding orders and eliminates a requirement that they give their employers a copy of the claim form they file to initiate the challenge;
8. eliminates a requirement that court clerks follow in-state procedures for scheduling hearings for out-of-state wage withholding challenges;
9. substitutes references to SES for current references to the Bureau of Child Support Enforcement (BCSE) in the context of wage withholding challenges;
10. adds a definition of “issue” for purposes of some wage withholding statutes;
11. modifies Family Support Magistrate (FSM) powers;
12. gives judicial marshals limited authority to serve a capias mittimus (an order to arrest and bring a person before the court) on certain child support obligors and witnesses in child support cases;
13. allows SES officers to take acknowledgments of parties’ agreements incident to child support obligations;
14. fixes unwed mothers’ obligations to pay past due child support at three years before the support petition or agreement was filed, the same rate applicable to unwed fathers; and
15. eliminates a \$50 fee for an amended birth certificate when paternity is established by court order or paternity acknowledgment.

It also makes minor, conforming, and technical changes.

EFFECTIVE DATE: October 1, 2011

§ 1 — SUPPORT PAYMENT REDIRECTION

Currently, BCSE can redirect child support payments after notifying the obligor and obligee of its intent to do so and giving them the opportunity to object. (This circumstance usually arises when the child is not living with the obligee.)

Under the bill, when the money is to be redirected to the state (for example, when the family is receiving cash assistance), BCSE need not give advance notice. Instead the bureau can notify the obligee and obligor after the fact and give them the opportunity to object. If the objection is successful, the bureau must give the obligee a refund.

§§ 11, 4, &17 — INFORMATION SHARING

Department of Correction and Judicial Branch

The bill permits DSS to disclose to authorized representatives of the Department of Correction and the Judicial Branch information regarding incarcerated parents or those on probation or parole who are child support obligors. Its purpose is to identify those who may benefit from (1) educational training, (2) skill building, (3) work, or (4) rehabilitation programming that will significantly increase their ability to fulfill their support obligations

It specifies, as other reasons for sharing information with the Judicial Branch, to assist (a) in child support enforcement and (b) the identification of family violence cases.

Paternity Registry Information

With limited exceptions, including BCSE, the Department of Public Health maintains a confidential paternity registry containing acknowledgments and rescissions. The bill allows the bureau to disclose registry information for child support purposes to an agency with whom it has a cooperative agreement (the Judicial Branch and state and local law enforcement agencies).

Releasing Information About Obligor Behind On Their Child Support Payments

The bill permits DSS to release information to the state treasurer about child support enforcement program obligors who owe overdue

child support. The information must be necessary to allow the treasurer to intercept the amount owed from the amount she would otherwise pay out on an abandoned property claim.

By law, when an obligor is more than \$500 behind, BCSE or SES may notify various entities likely to have occasion to distribute money to the obligor. Under the bill, those who may receive notice include state or local agency officials authorized to hold the obligor's assets or property, including funds or property that is unclaimed or presumed to be abandoned.

§§ 9&13 — WAGE WITHHOLDING

Defining “Issue”

The bill adds a definition of “issue” that applies to income withholding orders to support children, spouses, and former spouses. It defines the term as (1) completing an income withholding order form and serving it on the employer or other payor or (2) in the case of an income withholding order served electronically, transmitting electronic data sufficient to implement its withholding to an employer that agreed to receive electronic transmittal of such documents.

The bill substitutes “enter” for “issue” in some provisions where the use of the latter term is inconsistent with the bill's definition.

Distribution Of Wage Withholding Claim Forms

The bill allows DSS to make wage withholding claim forms available to all employers. Currently, DSS must distribute them. Employers give the forms to employees on whose behalf they have been served wage withholding orders. The form gives the employee information about how (1) the procedures work and (2) to contest the withholding.

Under the bill, the form must include (1) BCSE's address (for requesting BCSE resources to reduce the amount of support the obligor must pay) and SES' address (to challenge the wage withholding itself). Currently, only the BCSE address must be given.

Challenges By Out-Of-State Obligor

Currently, when BCSE receives claim forms challenging the validity of a wage withholding order issued at the request of another state, it must notify the interested parties in this state within seven days of receipt and immediately file the income withholding order and claim form. Under the bill, it need not file the order but must notify the entity that sent the withholding order to file, at least 10 days before the scheduled hearing:

1. two copies of the underlying support order (one of which must be certified) along with any modification, and
2. (a) a sworn statement showing the amount of any arrearage owed, (b) the last court determination of an arrearage, and (c) an accounting of the arrearage since the last court determination.

§§ 7, 8, & 13 — FAMILY SUPPORT MAGISTRATES**Support Agreements**

The bill eliminates a FSM's authority to modify support agreements. If he or she does not approve them, under the bill the sole option is to disapprove.

The bill also requires the FSM to indicate on the record the reasons for disapproving a proposed agreement. The court clerk must then (1) schedule a hearing to determine appropriate support amounts and (2) notify all appearing parties of the hearing date.

FSM Hearings Involving an Out-of-State Party

By law, FSMs must hear and decide cases involving challenges to wage withholding orders directed at Connecticut employers but involving an out-of-state obligee. The bill directs the FSM to use existing special rules of evidence and procedure in these cases that take into account the fact that the obligee and some witnesses will not be physically present. The FSM may also speak to counterparts in the originating state to obtain information about their state laws and the legal effect of its court orders.

Under the bill, if the out-of-state child support enforcement agency, court, or other entity fails to supply required documentation or to respond to reasonable requests for documents, the FSM may:

1. extend the hearing for 45 days,
2. order a temporary or partial stay of income withholding for the same period, or
3. sustain the obligor's objection and enjoin the employer from complying with the wage withholding order.

§§ 12, 14, 15, & 18 — JUDICIAL MARSHALS

The bill gives a judicial marshal limited authority to serve a capias mittimus on any person already in his or her custody or physically present in the courthouse where the marshal provides security. This authority is restricted to FSM orders to serve a capias naming a child support obligor who has been found to be in contempt of court or an obligor or witness who failed to appear at a court hearing of which he or she had notice.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/06/2011)